

HB5937



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5937

by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

30 ILCS 105/8h

Amends the State Finance Act. In the Act's administrative charge-back provisions, provides that, if, during the preceding fiscal year, any amount was transferred from a fund containing moneys collected from any fee imposed by the State or by a State agency, then, each person who pays that fee at any time during the current fiscal year must be notified of the transfer at the time that he or she pays that fee. Sets forth requirements for the notice. Effective immediately.

LRB095 18056 RCE 44139 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by changing
5 Section 8h as follows:

6 (30 ILCS 105/8h)

7 Sec. 8h. Transfers to General Revenue Fund.

8 (a) Except as otherwise provided in this Section and
9 Section 8n of this Act, and notwithstanding any other State law
10 to the contrary, the Governor may, through June 30, 2007, from
11 time to time direct the State Treasurer and Comptroller to
12 transfer a specified sum from any fund held by the State
13 Treasurer to the General Revenue Fund in order to help defray
14 the State's operating costs for the fiscal year. The total
15 transfer under this Section from any fund in any fiscal year
16 shall not exceed the lesser of (i) 8% of the revenues to be
17 deposited into the fund during that fiscal year or (ii) an
18 amount that leaves a remaining fund balance of 25% of the July
19 1 fund balance of that fiscal year. In fiscal year 2005 only,
20 prior to calculating the July 1, 2004 final balances, the
21 Governor may calculate and direct the State Treasurer with the
22 Comptroller to transfer additional amounts determined by
23 applying the formula authorized in Public Act 93-839 to the

1 funds balances on July 1, 2003. No transfer may be made from a
2 fund under this Section that would have the effect of reducing
3 the available balance in the fund to an amount less than the
4 amount remaining unexpended and unreserved from the total
5 appropriation from that fund estimated to be expended for that
6 fiscal year. This Section does not apply to any funds that are
7 restricted by federal law to a specific use, to any funds in
8 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the
9 Hospital Provider Fund, the Medicaid Provider Relief Fund, the
10 Teacher Health Insurance Security Fund, the Reviewing Court
11 Alternative Dispute Resolution Fund, the Voters' Guide Fund,
12 the Foreign Language Interpreter Fund, the Lawyers' Assistance
13 Program Fund, the Supreme Court Federal Projects Fund, the
14 Supreme Court Special State Projects Fund, the Supplemental
15 Low-Income Energy Assistance Fund, the Good Samaritan Energy
16 Trust Fund, the Low-Level Radioactive Waste Facility
17 Development and Operation Fund, the Horse Racing Equity Trust
18 Fund, the Metabolic Screening and Treatment Fund, or the
19 Hospital Basic Services Preservation Fund, or to any funds to
20 which Section 70-50 of the Nurse Practice Act applies. No
21 transfers may be made under this Section from the Pet
22 Population Control Fund. Notwithstanding any other provision
23 of this Section, for fiscal year 2004, the total transfer under
24 this Section from the Road Fund or the State Construction
25 Account Fund shall not exceed the lesser of (i) 5% of the
26 revenues to be deposited into the fund during that fiscal year

1 or (ii) 25% of the beginning balance in the fund. For fiscal
2 year 2005 through fiscal year 2007, no amounts may be
3 transferred under this Section from the Road Fund, the State
4 Construction Account Fund, the Criminal Justice Information
5 Systems Trust Fund, the Wireless Service Emergency Fund, or the
6 Mandatory Arbitration Fund.

7 In determining the available balance in a fund, the
8 Governor may include receipts, transfers into the fund, and
9 other resources anticipated to be available in the fund in that
10 fiscal year.

11 The State Treasurer and Comptroller shall transfer the
12 amounts designated under this Section as soon as may be
13 practicable after receiving the direction to transfer from the
14 Governor.

15 (a-5) Transfers directed to be made under this Section on
16 or before February 28, 2006 that are still pending on May 19,
17 2006 (the effective date of Public Act 94-774) shall be
18 redirected as provided in Section 8n of this Act.

19 (b) This Section does not apply to: (i) the Ticket For The
20 Cure Fund; (ii) any fund established under the Community Senior
21 Services and Resources Act; or (iii) on or after January 1,
22 2006 (the effective date of Public Act 94-511), the Child Labor
23 and Day and Temporary Labor Enforcement Fund.

24 (c) This Section does not apply to the Demutualization
25 Trust Fund established under the Uniform Disposition of
26 Unclaimed Property Act.

1 (d) This Section does not apply to moneys set aside in the
2 Illinois State Podiatric Disciplinary Fund for podiatric
3 scholarships and residency programs under the Podiatric
4 Scholarship and Residency Act.

5 (e) Subsection (a) does not apply to, and no transfer may
6 be made under this Section from, the Pension Stabilization
7 Fund.

8 (f) Subsection (a) does not apply to, and no transfer may
9 be made under this Section from, the Illinois Power Agency
10 Operations Fund, the Illinois Power Agency Facilities Fund, the
11 Illinois Power Agency Debt Service Fund, and the Illinois Power
12 Agency Trust Fund.

13 (g) ~~(f)~~ This Section does not apply to the Veterans Service
14 Organization Reimbursement Fund.

15 (h) ~~(f)~~ This Section does not apply to the Supreme Court
16 Historic Preservation Fund.

17 (i) If, during the preceding fiscal year, any amount was
18 transferred under this Section from a fund containing moneys
19 collected from any fee imposed by the State or by a State
20 agency, then, each person who pays that fee at any time during
21 the current fiscal year must be notified of the transfer at the
22 time that he or she pays that fee. The notice must set forth:

23 (1) the name of the fund from which the moneys are
24 transferred;

25 (2) the amount transferred;

26 (3) the percentage of the balance of the fund that was

1 transferred; and
2 (4) the amount of fees deposited into the fund during
3 the preceding fiscal year.

4 (Source: P.A. 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511,
5 eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05;
6 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff.
7 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773,
8 eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06;
9 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-410, eff.
10 8-24-07; 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639,
11 eff. 10-5-07; 95-695, eff. 11-5-07; revised 11-2-07.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.